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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,761	01/26/2001	Mark T. Wajer	46396-628	7396

7590

06/14/2002

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EXAMINER

ALVO, MARC S

ART UNIT

PAPER NUMBER

1731

9

DATE MAILED: 06/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MF=9

Office Action Summary	Application No.	Applicant(s)	
	09/769,761	WAJER ET AL	
	Examiner	Art Unit	
	Steve Alvo	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-48 are rejected under 35 U.S.C. 103(a) as obvious over CA 2,278,399 in view of FOSSUM et al or LUNDGREN et al and GARD.

CA 2,278,399 teaches bleaching a slurry of wood pulp with a bleaching mixture of hydrogen peroxide and magnesium hydroxide and chelating agent. FOSSUM et al or LUNDGREN et al teach bleaching pulp with peroxide at a pH of less than 8.5. It would have been obvious to one of ordinary skill in the art to bleach the pulp of CA 2,278,399 at a pH of less than 8.5 as such is taught by FOSSUM et al or LUNDGREN et al. FOSSUM et al or LUNDGREN et al teach removing detrimental metal ions, which decompose the peroxide, from the pulp prior to peroxide bleaching, by adding a chelating agent to the pulp which chelates the detrimental metal ions. It would have been obvious to add a second chelating agent prior to the bleaching step to remove the detrimental metal ions from the pulp of CA 2,278,399, before it is contacted with the peroxide bleaching solution, as taught by FOSSUM et al or LUNDGREN et al. It would have been obvious that the bleach liquors of LUNDGREN et al or FOSSUM et al could have been used on either mechanical or chemical pulp as the alternative use of peroxide/MgO or peroxide/MgOH on either mechanical or chemical pulp is taught by GARD.

The argument that CA 2,278,399 is not a valid reference is not convincing as it was published on January 21, 2000. This is prior to the effective filing date of the instant application

which is 1/28/2000 for the claims which were fully disclosed in Application 60/178,704, and 60/207,205 for claims which claim subject matter first disclosed in Application 60/207,205.

The argument that the pH of LUNDGREN et al is acceptable for chemical pulp, but not mechanical pulp is not convincing as LUNDGREN et al teaches bleaching at a pH of 7.0. Such a pH is lower than that conventionally used for chemical pulp and would be acceptable for mechanical pulp. Besides it would have been obvious to use the process of FOSSUM et al or LUNDGREN et al on either chemical or mechanical pulp as the use of peroxide and magnesium oxide or hydroxide can be alternatively used on either mechanical or chemical pulp as taught by GARD.

Applicant's amendment, claiming mechanical pulp, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the primary examiner should be directed to Steve Alvo whose telephone number is (703) 308-2048. The Examiner can normally be reached on Monday - Friday from 6:00 AM - 2:30 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stanley Silverman, can be reached on 703-308-3837.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **(703) 308-0661**.

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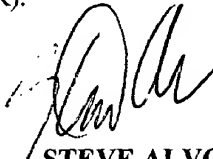
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MSA
June 8, 2002



STEVE ALVO
PRIMARY EXAMINER
ART UNIT 1731